**Mr. S. Venkiteswaran** *(Conservator of Forests):* It is all miscellaneous jungle timber which has not got a market in the State.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മരം വെട്ടിയതുകൊണ്ടാണ് മഴ ശരിയായി ഉണ്ടാകാത്തത് എന്ന മനസ്സിലായിട്ടും ഇനിയും അതു നശിപ്പിക്കുവാനാണോ പുറപ്പെട്ടതു?

**Mr. S. Venkiteswaran** *(Conservator of Forests):* Firstly, that assumption that cutting down trees in any way affects the precipitation of rain is wrong. Secondly, we are not overfelling. Our forest so far has not been developed for want of communication lines. The opening of the Anamalais road about 45 to 50 miles of which runs through reserve forests will enable us to develop practically virgin jungle area to the extent of 200 to 300 square miles. It is up to the Forest Department to work it to the advantage of the State.

*Demand put and carried*

**58. "A5-Communications and Buildings"**

**Mr. S. Venkiteswaran** *(Conservator of Forests):* Sir, I rise to move for additional allotment of Rs. 22,000 under "A5-Communications and Buildings". Two wooden bridges are proposed to be constructed along the Kallampara—Thanikudan road to facilitate lorry transport by that road. As the Ambalapad area has been planted, carts transporting Forest Produce are using the Thanikudam—Ambalapad lorry road. If carts are allowed to use this unmetalled road in course of time it will become useless for transport except in summer. Hence the necessity for metalling the road. These works are to be taken up this year itself.

*Demand put and carried*

**The Cochin Payment of Slaries and Allowances Act (Amendment) Bill**

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* Sir, as explained in the statement that was read to the House yesterday, I beg leave of the House to introduce the following amendments to the Cochin Payment of Salaries and Allowances Act (Amendment) Bill.—

"In clause I of the Bill for the words and figures "15th day of Mithunam 1120", the words and figures "1st day of Chingam 1121" shall be substituted".

The amendment is to bring into effect the salaries provided by this Bill from the 1st of Chingam of the current year instead of the 15th Mithunam last. I request that the amendment may be accepted.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

*Amendment put and carried*

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* Sir, I move the following amendment to clause 3 of the Bill.—

"In clause 3, the second proviso to section 4(2) shall be deleted".

The intention is that none should be eligible for both daily allowance and Railway Fare on the same day. Railway fare is granted at one and a half times the rate of the class allowed. In this particular case one and a half times the first class is allowed. The extra half of the railway fare is intended to cover contingencies and other costs of travel. Therefore it is not right to have the Daily Allowance also for the same day.

**Mr. P. A. Mohammed Ashrof** *(Cranganur):* Will milage be allowed for the same day.

**Rao Sahib P. V. Raphael** *(Comptroller of Finance and Accounts):* Milage and Daily allowance cannot be allowed.

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Governmen):* Milage limited to daily allowance.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Sir, I oppose this amendment. I had been responsible for the amendment which is now sought to be deleted. Then I had the support of the House—support of course of not all the Members. Those of the Hon'ble Members who remember the nature of the voting at that time will bear out my statement that it was a curious process of voting that was had at that time. At the instance of the Ministerialist party, the reserved half of the Government brought forward an amending Bill to this House.

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**Mr. Jos K. Vergliese** *(Trichur-South):* I question it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* You may question but the frct remains that it is so.

**Rao Sahib K. Ayyappan** *(Ezhuvas-Kanayannur):* A fact which is not a fact cannot remain.

**Mr. P. Kumaran Euhuthassan** *(Vadakkancheri):* My statemeut is that at the instance of the Ministerialist party, the reserved half brought to this House the amendment to the Pay ment of Salaries and Allowances Act.

**Mr. K. Balakrishna Menon** *(Cheruthuruthi):* Sir, I deny that statement on behalf of my party.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkanceri):* I make the statement again Sir, that at the instance of the Ministerialist party a bill was brought forward by the reserved half but at the time of voting persons who were really responsible for the Bill disowned the Bill. My Hon'ble friend the Member for Cheruthuruthi as the spoksman of the party said that they are going to remain neutral and that they are leaving the matter in the hands of others. The sponsers of the Bill, the reserved half—ten in number—also said they do not vote. Inthese circumstances, Mr. President, can I not characterise that process of dealing with this Bill as curious. Then those who were in the opposition, a few persons not in full agreement on all points, supported the amendment and when this amendment was moved by me, I was lucky to have my amendment passed. If it was such an abominable piece of amendment that had been brought here by me if the Government were worth its name, it ought to have opposed it then and not cause a sending back of this Bill to be reconsidered by this House. So it is wisdom that has dawned upon them between that day and the day on which it was proposed to be recommitted. What after all had been my amendment? By introducing the amendment which is now sought to be introduced, you will be pleased to see that you are compelling a man to be dishonest. You are making him dishonest by the rules of Government. The rule of the Government is that daily allowance and Travelling allowance both cannot be allowed for the same day. You thereby do compel persons who travel on the day of work for which alone daily allowance can be claimed to put in a statement in the Travelling Allowance Bill that the journey was undertaken on the previous day, A deliberate lie not willingly stated but forced to be said by your foolish rules. I know there are, persons who pretend to be honest men and at the same time indulge in the other way. For example for attending to the work of this days meeting it is enough that persons at the farthermost end of the Ernakulam-Shoranur Railway start from their homes today. They can be here sufficiently early for the work Suppose on the first day of this sitting a member had started only yesterday, according to your existing rules' he can claim Travelling allowance or the Daily allowance, whichever is higher. I ask why? The travelling allowance is intended for the journey as the word indicates. Otherwise you will have to change that expression into travelling allowance cum daily allowance. When you call a particular item of the claim as travelling allowance it means Travelling allowance given for the purpose of the journey. Then what is the meaning of the Hon'ble Chief Secretary, saying that out of the one and half first class that is given, one first class allowance is for the journey and the half first class allowance is for the days work. But if the statement is given the other way, that is the travelling was the previous day to the day of meeting, a lie indeed; then he is entitled for both. I say now as I said then that this existing rule may not be made applicable to the Members of this House. I am only concerned with the honesty of the members of this House and I am concerned only in your not compelling some of the members not to be otherwise than honest. The House was in a mood to accept my amendment then for the more reasonableness of the same. Now it looks rather disgraceful for the Government, not proper for that Government which behaved like that in the previous meeting, now to come forward with an amendment to delete the original amendment. I know that I may have opposition from many quarters, but all the same, I have the consolation that I have stated the fact and satisfied myself. I therefore oppose this amendment.

**Rama Varmha Tampuran, M.B.E.,** *(Chief Secretary to Government):* The purpose of amendment has been clearly understood by the House and there is no need to add anything further to it.

*Amendment put and carried.*

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**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* A Poll, Sir.

**Ayes**

(1) Mrs. T. Francis
(2) Mr. P. Govinda Menon
(3) Mr. V. R. Krishnan Ezhuthassan
(4) Mr. P. Achyuta Menon
(5) Mr. P. T. Jacob
(6) Mr. C. S. Panickar
(7) Mr. P. K. Paul
(8) Mr. P. Sankara Menon
(9) Mr. M. K. Raja
(10) Mr. M. I. Paul
(11) Mr. Dara Singh
(12) Mr. P. Meni
(13) Rao Sahib K. Ayyappan
(14) Mr. K. Balakrishna Menon
(15) Mr. K. S. Panickar
(16) Mr. Jos K. Verghese
(17) Mr. P. A. Mohammed Ashrof
(18) Mr. T. K. L. Kunju Varied
(19) Mr. K. I. Velayudhan
(20) Mr. P. V. Sebastian
(21) Mr. M. O. Thomakutty
(22) Mr. Shabdai S. Koder
(23) Dr. S. S. Rao
(24) Mr. P. E. Warne
(25) Mr. S. P. Luiz
(26) Mr. K. K. Kannan
(27) Mr. K. Kochukuttan
(28) Mr. Raghavan
(29) Rama Varmha Tampuran
(30) Rao Sahib Mr. A. Madhava Prabhu
(31) Mr. C. J. Mathew
(32) Mr. B. V. K. Menon
(33) Mr. M. Sivarama Menon
(34) Mr. S. Venkiteswaran
(35) Rao Sahib M. M. Paul
(36) Rao Sahib P. V. Raphael
(37) Mr. V. K. Aravindaksha Menon

**Noes**

Mr. P. Kumaran Ezhuthassan

**Mr. President:** 38 for and one against.

*Motion put and carried*

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* Sir, I move that the (1) Bill as amended be taken up and finally passed tomorrow.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

*Motion put and carried.*

## The Cochin Village Courts Act (Amendment) Bill

**Mr. Parambi Lonappen** *(Minister for Rural Development):* Sir, I move that the Cochin Village Courts Act (Amendment) Bill be read in Council. The Village Court Conference has passed a resolution to the effect that provision should be made in the Village Courts Act for the presentation of plaints to the President instead of to the Village Court itself, since there may be necessity to file them even on days when the court is not sitting. Clause 2 of the Bill accordingly provides that plaints may be presented to the President. Provision is also made in this clause for the presentation of the plaint to the clerk of the court since a contingency may arise when the court will not be sitting and the President also be not available. By another resolution passed at the conference it has been pointed out that it is necessary to authorise the President or the Judges present to adjourn the case and bind over the witnesses present when the hearing of the case has to be adjourned either because the day happens to be declared a public holiday or there is no quorum. Clause 3 of the Bill incorporates the necessary provision in this behalf. It has been reported that the Village Courts are not following a uniform procedure in the matter of awarding interest on costs. It is desirable to expressly provide in the Village Courts Act itself that the court may award interest not exceeding six per cent on costs, on the lines of the provision contained in the Civil Procedure Code. Provision for this has been made in clause 4 of the Bill.

*Motion put and carried*

**Secretary to the Council:**—The Title of the Bill is(2) The Cochin Village Courts Act (Amendment) Bill.

**Mr. Parambi Lonappen** *(Minister for Rural Development):* I request that the President may be pleased to suspend S. O. No. 32.

**Mr. President:** Yes.

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1 Appendix II.
2 Appendix III.

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